

By Mr. CURRIER: A bill (H. R. 13204) granting an increase of pension to George W. Currier; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 13205) for the relief of L. B. Burcham; to the Committee on Military Affairs.

Also, a bill (H. R. 13206) granting an increase of pension to James C. Williams; to the Committee on Pensions.

Also, a bill (H. R. 13207) granting an increase of pension to George W. Walter; to the Committee on Pensions.

Also, a bill (H. R. 13208) granting an increase of pension to John R. Purinton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13209) granting a pension to S. E. Weaver; to the Committee on Pensions.

Also, a bill (H. R. 13210) granting a pension to E. Ross Smith; to the Committee on Pensions.

Also, a bill (H. R. 13211) granting a pension to Isaac Johnson; to the Committee on Pensions.

Also, a bill (H. R. 13212) granting a pension to Edward S. Brenner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13213) granting an increase of pension to Albion Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13214) granting an increase of pension to Milton Michael; to the Committee on Pensions.

Also, a bill (H. R. 13215) granting an increase of pension to Manville M. Palmer; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 13216) granting an increase of pension to Timothy Crowley; to the Committee on Pensions.

Also, a bill (H. R. 13217) granting a pension to John H. Leslie; to the Committee on Pensions.

By Mr. DRAPER: A bill (H. R. 13218) to reimburse Le Grand C. Cramer for amount of damages to his motor launch *Win-nish* by the United States launch *Gunedmeritz* at Morris Heights, N. Y., on March 31, 1911; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 13219) for the relief of the estate of Martha E. Trowell; to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 13220) granting an increase of pension to Calvin Seebold; to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 13221) granting an increase of pension to Henry Collins; to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 13222) granting an increase of pension to Joseph Springer; to the Committee on Invalid Pensions.

By Mr. MCKINLEY: A bill (H. R. 13223) granting an increase of pension to William B. Sims; to the Committee on Invalid Pensions.

By Mr. MCKINNEY: A bill (H. R. 13224) granting a pension to John W. Ferris; to the Committee on Pensions.

By Mr. MILLER: A bill (H. R. 13225) granting an increase of pension to John Goodspeed; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 13226) granting an increase of pension to James Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13227) granting an increase of pension to George Peckham; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 13228) granting an increase of pension to Jaenette Owen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13229) granting an increase of pension to Peter Fleming; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 13230) granting a pension to Philip F. F. Lacourcier; to the Committee on Pensions.

By Mr. REYBURN: A bill (H. R. 13231) granting a pension to Ryan Smith; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 13232) granting an increase of pension to Levi North; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13234) for the relief of William R. Young; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDER: Petition of numerous residents of Brooklyn, N. Y., in opposition to House bill 8887, providing for a tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. DAVIS of West Virginia: Petitions of numerous citizens of West Virginia, favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. DRAPER: Resolution of the Arizona Woolgrowers' Association, protesting against the passage by Congress of any

of the several bills now pending changing and reducing the tariff on wool and meats until such time as the Tariff Commission shall be able to report on the subjects involved; to the Committee on Ways and Means.

Also, resolution of the American Medical Association, requesting that the pure food and drug law be amended so that false statements of any kind appearing upon the labels, circulars, etc., of foods and drugs be made unlawful; to the Committee on Agriculture.

By Mr. FOCHT: Resolution of the Union County Medical Society, of Lewisburg, Pa., favoring the retention of Dr. H. W. Wiley, chemist and Chief of Bureau of Chemistry, Department of Agriculture; to the Committee on Agriculture.

By Mr. FULLER: Resolutions of the Ben Franklin Club, of Chicago, Ill., favoring House Joint Resolution No. 97, for the investigation of fire-insurance rates, etc.; to the Committee on Appropriations.

Also, resolutions of the Illinois Manufacturers' Association, for amendment of the corporation-tax law so as to permit reports to be made at the end of the several individual fiscal years of corporations; to the Committee on Ways and Means.

Also, resolutions of the Illinois Grain Dealers' Association, for mail privileges for trade journals; to the committee on the Post Office and Post Roads.

Also, petition of H. H. Pimstein, of Plano, Ill., in opposition to a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Petitions of Michael O'Malley, of Long Island City, N. Y., and many others, urging the establishment of a national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER: Petitions of Rust Parker Martin Co. and five other firms, asking for reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. SULZER: Resolution of Lake Grange, No. 362, of New York, favoring a parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of National Team Owners' Association, indorsing the Canadian reciprocity agreement; to the Committee on Ways and Means.

Also, resolution of the Vincennes (Ind.) Branch of the Alliance of German Societies of the State of Indiana, approving House resolution No. 166; to the Committee on Immigration and Naturalization.

Also, resolutions of the Workmen's Sick and Death Benefit Fund of the United States of America, condemning the manner of the arrest of the McNamaras and favoring the Berger resolution; to the Committee on the Judiciary.

Also, resolution of the Central Labor Union of the District of Columbia, protesting against the proposed arbitration treaty with England; to the Committee on Foreign Affairs.

Also, resolution of National Automobile Manufacturers' Association, favoring legislation so as to permit corporations and companies to make their returns as of the close of their fiscal years; to the Committee on Ways and Means.

#### SENATE.

THURSDAY, August 3, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. Smoot, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

#### PETITIONS AND MEMORIALS.

Mr. PENROSE presented a memorial of the Union County Medical Society, of Lewisburg, Pa., remonstrating against the removal of Dr. Harvey W. Wiley as Chief of the Bureau of Chemistry, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the adoption of an amendment to the so-called corporation-tax law permitting corporations to make returns at the end of their fiscal years, which was referred to the Committee on Finance.

#### ROSEBUD INDIAN RESERVATION LANDS.

Mr. GAMBLE. I am directed by the Committee on Indian Affairs to report back favorably with amendments the bill (S. 3152) extending the time of payment to certain homesteaders in the Rosebud Indian Reservation in the State of South Dakota, and I submit a report (No. 115) thereon. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 12, before the word "payment," to strike out the word "such" and insert "and," and in line 14, after the word "manner," to insert "and on payment of interest annually in advance as aforesaid: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment is due; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands," so as to make the bill read:

*Be it enacted, etc.*, That any person who has heretofore made a homestead entry for land in what was formerly a part of the Rosebud Indian Reservation, in the State of South Dakota, authorized by the act approved March 2, 1907, may apply to the register and receiver of the land office in the district in which the land is located for an extension of time within which to make payment of any amount that is about to become due, and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, and payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner, and on payment of interest annually in advance as aforesaid: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment is due, that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands.

SEC. 2. That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

SEC. 3. That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KERN:

A bill (S. 3162) granting an increase of pension to Stephen Jarvis (with accompanying papers); to the Committee on Pensions.

By Mr. TAYLOR:

A bill (S. 3163) granting an increase of pension to Henry McMann (with accompanying paper); to the Committee on Pensions.

A bill (S. 3164) for the relief of the heirs or estate of William Chambers, deceased (with accompanying paper); and

A bill (S. 3165) for the relief of the heirs of James H. Robinson, deceased; to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 3166) to authorize the Commissioners of the District of Columbia to collect an annual rental for vault privileges granted in public space (with accompanying paper); to the Committee on the District of Columbia.

By Mr. OLIVER:

A bill (S. 3167) granting an increase of pension to William H. Hotham (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3168) to appropriate the sum of \$200,000 for the construction of a bridge across the Gila River, in Grant County, N. Mex.; to the Committee on Commerce.

By Mr. OWEN:

A joint resolution (S. J. Res. 49) to authorize the Secretary of the Interior to make a per capita payment to the enrolled members of the Five Civilized Tribes entitled to share in the funds of said tribes; to the Committee on Indian Affairs.

#### WITHDRAWAL OF PAPERS—FRED C. AND C. HELEN FISHER.

On motion of Mr. WARREN, it was

*Ordered*, That on the application of Fred C. and C. Helen Fisher they are authorized to withdraw from the files of the Senate all papers accompanying the bill (S. 2016, 62d Cong., 1st sess.) entitled "A bill for the relief of Fred C. and C. Helen Fisher," no adverse report having been made thereon.

#### APPORTIONMENT OF REPRESENTATIVES.

The VICE PRESIDENT. The morning business is closed. The Chair lays before the Senate House bill 2983, in accordance with its unanimous-consent agreement heretofore entered into.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. MARTIN of Virginia. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Culberson	Lodge	Root
Bailey	Cullom	McLean	Shively
Bankhead	Cummins	Martin, Va.	Simmons
Borah	Curtis	Martine, N. J.	Smith, Md.
Bourne	Dillingham	Myers	Smith, Mich.
Bradley	Dixon	Nelson	Smoot
Brandeggee	Fletcher	Newlands	Stephenson
Briggs	Foster	Nixon	Stone
Bristow	Gamble	O'Gorman	Swanson
Brown	Gronna	Oliver	Taylor
Bryan	Heyburn	Overman	Thornton
Burnham	Hitchcock	Owen	Townsend
Burton	Johnson, Me.	Page	Warren
Chilton	Johnston, Ala.	Penrose	Watson
Clapp	Jones	Perkins	Wetmore
Clark, Wyo.	Kenyon	Polindexter	Works
Clarke, Ark.	Kern	Pomerene	
Crane	La Follette	Reed	
Crawford	Lippitt	Richardson	

The VICE PRESIDENT. Seventy-three Senators have answered to the roll call. A quorum of the Senate is present. Are there amendments to be offered to the bill?

Mr. BURTON. I desire to offer an amendment.

The VICE PRESIDENT. The Senator from Ohio offers the following amendment, which the Secretary will report.

The SECRETARY. On page 4, lines 15 and 16, strike out the words "by the legislature thereof in the manner herein prescribed," and insert in lieu thereof the words "in the manner provided by the laws thereof and in accordance with the rules enumerated in section 3 of this act," so that if amended the section will read:

SEC. 4. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted in the manner provided by the laws thereof and in accordance with the rules enumerated in section 3 of this act, etc.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. BURTON. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Mr. President, a parliamentary inquiry. Are we voting on both amendments at one time?

The VICE PRESIDENT. It is proposed as one amendment, striking out and inserting.

Mr. BACON. Very well. I have a general pair with the senior Senator from Maine [Mr. FRYE], which I transfer to the junior Senator from Tennessee [Mr. LEA]. I vote "nay."

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. MYERS (when Mr. DAVIS's name was called). I was requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I make this announcement for the day.

Mr. DILLINGHAM (when his name was called). I am paired with the senior Senator from South Carolina [Mr. TILLMAN]. It is a general pair; therefore I can not vote. If he were present, I would vote "yea."

Mr. BURNHAM (when Mr. GALLINGER's name was called). My colleague [Mr. GALLINGER] is necessarily absent. He is paired with the Senator from Arkansas [Mr. DAVIS]. If my colleague were present, he would vote "yea." I desire this statement to remain for the day.

Mr. CURTIS (when Mr. GUGGENHEIM's name was called). I was requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] has a general pair with the senior Senator from Kentucky [Mr. PAYNTER].

Mr. NELSON (when Mr. McCUMBER's name was called). The Senator from North Dakota [Mr. McCUMBER] is paired with the senior Senator from Mississippi [Mr. PERCY]. If the Senator from North Dakota were present, he would vote "yea" on this question.

Mr. MCLEAN (when his name was called). I desire to announce that I have a general pair with the junior Senator from Oklahoma [Mr. GORE]. If he were present, he would vote "nay" and I would vote "yea."

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. If he were present, I would vote "yea."

Mr. PENROSE (when his name was called). I am paired on this and all other votes to-day with the junior Senator from

Mississippi [Mr. WILLIAMS]. I will let this announcement stand for the remaining votes.

Mr. MARTIN of Virginia (when Mr. PERCY's name was called). The Senator from Mississippi [Mr. PERCY] is paired with the Senator from North Dakota [Mr. McCUMBER]. I desire that this statement may apply to all votes taken to-day.

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. If he were present, I would vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Senate. He has a general pair with the senior Senator from Maryland [Mr. RAYNER].

The roll call having been concluded, the result was announced—yeas 39, nays 28, as follows:

## YEAS—39.

Borah	Clark, Wyo.	Heyburn	Poin Dexter
Bourne	Clarke, Ark.	Jones	Root
Bradley	Crane	Kenyon	Smith, Mich.
Brandeggee	Crawford	La Follette	Smoot
Briggs	Cullom	Lippitt	Stephenson
Bristow	Cummins	Lodge	Townsend
Brown	Curtis	Nelson	Warren
Burnham	Dixon	Nixon	Wetmore
Burton	Gamble	Page	Works
Clapp	Gronna	Perkins	

## NAYS—28.

Bacon	Hitchcock	Newlands	Simmons
Bailey	Johnson, Me.	O'Gorman	Smith, Md.
Bankhead	Johnston, Ala.	Overman	Stone
Bryan	Kern	Owen	Swanson
Chilton	Martin, Va.	Pomerene	Taylor
Fletcher	Martine, N. J.	Reed	Thornton
Foster	Myers	Shively	Watson

## NOT VOTING—23.

Chamberlain	Gallinger	McLean	Richardson
Culberson	Gore	Oliver	Smith, S. C.
Davis	Guggenheim	Paynter	Sutherland
Dillingham	Lea	Penrose	Tillman
du Pont	Lorimer	Percy	Williams
Frye	McCumber	Rayner	

So Mr. BURTON's amendment was agreed to.

Mr. REED. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to strike out all of section 4 and in lieu of said section to insert:

SEC. 4. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted by the legislature thereof, or by the people thereof, in the manner herein prescribed; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed.

Mr. LODGE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state his question of order.

Mr. LODGE. Is the amendment which has been read offered to replace the amendment just adopted by striking out and inserting?

The VICE PRESIDENT. It is offered as a substitute for the entire section—for the amendment and the remainder of the section.

Mr. BURTON. Mr. President, I make the point of order on that amendment, because the insertion of the words "by the people" would be the exact equivalent of an amendment to the amendment just adopted, and it is out of order; in other words, it practically restores the words just stricken out.

The VICE PRESIDENT. The Chair thinks that in the way in which the amendment is presented it is proper to receive it. In the one case the Senate acted upon the words "by the legislature thereof," and in the case presented by the Senator from Missouri the Senate is asked to pass upon the insertion of the words "or by the people thereof," which are additional words. The question is on agreeing to the substitute. [Putting the question.] The "noes" appear to have it.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BURTON. I ask unanimous consent that the portion of the section affected by this amendment be again read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The SECRETARY. The original text of section 4 reads:

That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the districts now prescribed by law until such State shall be redistricted by the legislature thereof.

The only new words which appear in the amended section are after the words "legislature thereof," the words inserted being "or by the people thereof."

The VICE PRESIDENT. The Secretary will call the roll.

Mr. CUMMINS. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. CUMMINS. Is the substitute offered by the Senator from Missouri [Mr. REED] for the section a substitute for the section as amended on the motion of the Senator from Ohio [Mr. BURTON]?

The VICE PRESIDENT. Yes; certainly.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], and vote. I vote "yea."

Mr. CULBERSON (when his name was called). In view of my general pair with the Senator from Delaware [Mr. DU PONT], I withhold my vote.

Mr. DILLINGHAM (when his name was called). I again announce my general pair with the Senator from South Carolina [Mr. TILLMAN], and withhold my vote. If he were present, I should vote "nay."

Mr. OLIVER (when his name was called). I again announce my general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I make this announcement to stand for the day on all succeeding votes.

Mr. RICHARDSON (when his name was called). I again announce my pair with the junior Senator from South Carolina [Mr. SMITH], and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 29, nays 38, as follows:

## YEAS—29.

Bacon	Hitchcock	O'Gorman	Stone
Bankhead	Johnson, Me.	Overman	Swanson
Bourne	Johnston, Ala.	Owen	Taylor
Bryan	Kern	Pomerene	Thornton
Chilton	Martin, Va.	Reed	Watson
Clarke, Ark.	Martine, N. J.	Shively	
Fletcher	Myers	Simmons	
Foster	Newlands	Smith, Md.	

## NAYS—38.

Borah	Crane	Kenyon	Root
Bradley	Crawford	La Follette	Smith, Mich.
Brandeggee	Cullom	Lippitt	Smoot
Briggs	Cummins	Lodge	Stephenson
Bristow	Curtis	Lorimer	Townsend
Brown	Dixon	Nelson	Warren
Burnham	Gamble	Nixon	Wetmore
Burton	Gronna	Page	Works
Clapp	Heyburn	Perkins	
Clark, Wyo.	Jones	Poin Dexter	

## NOT VOTING—23.

Bailey	Frye	McLean	Richardson
Chamberlain	Gallinger	Oliver	Smith, S. C.
Culberson	Gore	Paynter	Sutherland
Davis	Guggenheim	Penrose	Tillman
Dillingham	Lea	Percy	Williams
du Pont	McCumber	Rayner	

So Mr. REED's amendment was rejected.

Mr. BURTON. Mr. President, I have another amendment which I desire to offer.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following as a new section:

SEC. 5. That candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound the "ayes" have it, and the amendment is agreed to.

Mr. BACON. Did I understand the Chair to declare that the amendment was carried?

The VICE PRESIDENT. The Chair so declared.

Mr. ROOT. I offer the amendment I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out from and including line 5, on page 1, down to and including line 15, on page 3, and in lieu thereof to insert the following:

Three hundred and ninety-one Members to be apportioned among the several States as follows:

Alabama, 9; Arkansas, 7; California, 10; Colorado, 3; Connecticut, 5; Delaware, 1; Florida, 3; Georgia, 11; Idaho, 1; Illinois, 24; Indiana, 12; Iowa, 10; Kansas, 7; Kentucky, 10; Louisiana, 7; Maine, 3; Maryland, 6; Massachusetts, 14; Michigan, 12; Minnesota, 9; Mississippi, 8; Missouri, 14; Montana, 2; Nebraska, 5; Nevada, 1; New Hampshire, 2; New Jersey, 11; New York, 39; North Carolina, 9; North Dakota, 2; Ohio, 20; Oklahoma, 7; Oregon, 3; Pennsylvania, 33; Rhode Island, 2; South Carolina, 7; South Dakota, 2; Tennessee, 9; Texas, 17; Utah, 2; Vermont, 2; Virginia, 9; Washington, 5; West Virginia, 5; Wisconsin, 10; Wyoming, 1.

Mr. SHIVELY. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], I vote "nay."

Mr. CULBERSON (when his name was called). I again announce that in the absence of my pair, the Senator from Delaware [Mr. DU PONT], I withhold my vote.

Mr. DILLINGHAM (when his name was called). As I have already announced, I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I am informed by the Senator from Virginia [Mr. MARTIN] that if the Senator from South Carolina were present he would vote against this amendment. I am therefore released, as I shall vote the same way. I vote "nay."

The roll call was concluded.

Mr. NELSON. I desire to state that the senior Senator from North Dakota [Mr. McCUMBER] is paired with the senior Senator from Mississippi [Mr. PERCY]. If the Senator from North Dakota were present, he would, on this amendment, vote "nay."

Mr. CULBERSON. I transfer my pair to the Senator from South Carolina [Mr. TILLMAN], and vote. I vote "nay."

The result was announced—yeas 23, nays 46, as follows:

#### YEAS—23.

Bourne	Clark, Wyo.	La Follette	Smith, Mich.
Brandegee	Clarke, Ark.	Lodge	Smoot
Briggs	Crane	Nelson	Townsend
Bristow	Dixon	Nixon	Warren
Burnham	Jones	Polindexter	Works
Burton	Kenyon	Root	

#### NAYS—46.

Bacon	Curtis	Lorimer	Shively
Bailey	Dillingham	Martin, Va.	Simmons
Bankhead	Fletcher	Martine, N. J.	Smith, Md.
Borah	Foster	Myers	Stephenson
Bradley	Gamble	Newlands	Stone
Brown	Gronna	O'Gorman	Swanson
Bryan	Heyburn	Overman	Taylor
Chilton	Hitchcock	Owen	Thornton
Clapp	Johnson, Me.	Page	Watson
Culbertson	Johnston, Ala.	Perkins	Wetmore
Cullom	Kern	Pomerene	
Cummins	Lippitt	Reed	

#### NOT VOTING—21.

Chamberlain	Gore	Paynter	Sutherland
Crawford	Guggenheim	Penrose	Tillman
Davis	Lea	Percy	Williams
du Pont	McCumber	Rayner	
Frye	McLean	Richardson	
Gallinger	Oliver	Smith, S. C.	

So Mr. Root's amendment was rejected.

Mr. GRONNA. At the request of my colleague [Mr. McCUMBER] I present the following amendment. He is necessarily absent from the city. In connection with it I ask unanimous consent to have printed in the RECORD a short statement made by him. It contains only about a dozen lines.

The VICE PRESIDENT. Is there objection?

Mr. LODGE. Does that conform to the unanimous-consent agreement?

The VICE PRESIDENT. It would require unanimous consent. The Chair was in doubt even whether it ought to be put for unanimous consent.

Mr. LODGE. I do not see how we can modify a unanimous-consent agreement.

The VICE PRESIDENT. The Senator from Massachusetts objects, anyway.

Mr. PENROSE. The statement can be inserted in the RECORD after this matter is disposed of.

The VICE PRESIDENT. Afterwards; certainly.

Mr. GRONNA. That was my request.

Mr. LODGE (to Mr. GRONNA). Make the request after the bill is disposed of.

The VICE PRESIDENT. The Senator can make the request after the matter is disposed of, not now.

The Senator from North Dakota, on behalf of his colleague [Mr. McCUMBER], offers an amendment, which the Secretary will report.

The SECRETARY. It is proposed to strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

That after the 3d day of March—

The VICE PRESIDENT. One moment. The Chair thinks that is not in order at the present time. There has been one motion to strike out and insert.

Mr. GRONNA. This amendment was offered in the Senate by my colleague on the 18th day of July. It was ordered to be printed and to lie on the table.

The VICE PRESIDENT. The Chair understands this is a different proposition. The Secretary will report the amendment.

The SECRETARY. It is proposed to strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

That after the 3d day of March, 1913, the House of Representatives shall be composed of 405 Members, to be apportioned among the several States as follows:

Alabama, 9; Arkansas, 7; California, 10; Colorado, 4; Connecticut, 5; Delaware, 1; Florida, 3; Georgia, 11; Idaho, 1; Illinois, 25; Indiana, 12; Iowa, 10; Kansas, 7; Kentucky, 10; Louisiana, 7; Maine, 3; Maryland, 6; Massachusetts, 15; Michigan, 12; Minnesota, 9; Mississippi, 8; Missouri, 15; Montana, 2; Nebraska, 5; Nevada, 1; New Hampshire, 2; New Jersey, 11; New York, 40; North Carolina, 10; North Dakota, 3; Ohio, 21; Oklahoma, 7; Oregon, 3; Pennsylvania, 34; Rhode Island, 2; South Carolina, 7; South Dakota, 3; Tennessee, 10; Texas, 17; Utah, 2; Vermont, 2; Virginia, 9; Washington, 5; West Virginia, 5; Wisconsin, 10; Wyoming, 1.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Dakota in behalf of his colleague.

Mr. HEYBURN. I desire to suggest a point of order. We have already voted upon a motion to strike out and insert these items with the exception probably of half a dozen. I do not understand, under the rules, that those States that were included in the former motion to strike out and insert can be again—

The VICE PRESIDENT. That was the Chair's notion at the first reading, and it is the Chair's notion now that it can not be offered at this stage of the proceeding. The Chair sustains the point of order raised by the Senator from Idaho.

Mr. HEYBURN. We have voted on that.

The VICE PRESIDENT. Are there other amendments? If not, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. GRONNA. On behalf of my colleague I offer the amendment which I sent to the desk a few moments ago.

The VICE PRESIDENT. The Senator from North Dakota, on behalf of his colleague, offers the amendment which has just been read. If there be no objection, the amendment will not be read again.

The question first is on concurring in the amendments made as in Committee of the Whole.

Mr. ROOT. May there be read the first three lines of the amendment, which will state the present number?

The VICE PRESIDENT. Without objection, the Secretary will read again.

The SECRETARY. In section 1 strike out all after the enacting clause and insert:

That after the 3d day of March, 1913, the House of Representatives shall be composed of 405 Members.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Dakota on behalf of his colleague.

Mr. REED. A parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. REED. Is not this the amendment which was just ruled out of order?

The VICE PRESIDENT. In the Committee of the Whole. The bill is now in the Senate.

The question is on agreeing to the amendment. [Putting the question.] By the sound the noes appear to have it.

Mr. ROOT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). Again announcing the transfer of my pair with the Senator from Maine [Mr. FRYE] to the Senator from Tennessee [Mr. LEA], I vote "nay."

Mr. DILLINGHAM (when his name was called). On this question I am released from my general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I vote "nay."

The roll call was concluded.

Mr. OWEN. I should like to announce the pair of my colleague [Mr. GORE] with the Senator from Connecticut [Mr. McLEAN].

Mr. CULBERSON. I transfer my pair to the senior Senator from South Carolina [Mr. TILLMAN], and will vote. I vote "nay."

The result was announced—yeas 22, nays 47, as follows:

#### YEAS—22.

Brandegee	Crawford	Lodge	Smoot
Bristow	Cullom	Lorimer	Townsend
Burnham	Dixon	Nelson	Warren
Burton	Gronna	Nixon	Works
Clark, Wyo.	Jones	Polindexter	
Crane	La Follette	Root	

## NAYS—47.

Bacon	Cummins	Lippitt	Shively
Bailey	Curtis	Martin, Va.	Simmons
Bankhead	Dillingham	Martine, N. J.	Smith, Md.
Borah	Fletcher	Myers	Smith, Mich.
Bourne	Foster	Newlands	Stephenson
Bradley	Gamble	O'Gorman	Stone
Brown	Heyburn	Overman	Swanson
Bryan	Hitchcock	Owen	Taylor
Chilton	Johnson, Me.	Page	Thornton
Clapp	Johnston, Ala.	Perkins	Watson
Clarke, Ark.	Kenyon	Pomerene	Wetmore
Culberson	Kern	Reed	

## NOT VOTING—21.

Briggs	Gore	Paynter	Sutherland
Chamberlain	Gugenhelm	Penrose	Tillman
Davis	Lea	Percy	Williams
du Pont	McCumber	Rayner	
Frye	McLean	Richardson	
Gallinger	Oliver	Smith, S. C.	

So Mr. McCUMBER's amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The statement prepared by Mr. McCUMBER and presented by Mr. GRONNA, with respect to the amendment offered by Mr. GRONNA on behalf of Mr. McCUMBER, is as follows:

Under this amendment 9 States would lose 1 Member each from their present apportionment. These States are Indiana, Iowa, Kansas, Kentucky, Maine, Missouri, Nebraska, Virginia, and Wisconsin, and 10 States would gain 1 Representative each, namely, Colorado, Georgia, Massachusetts, Montana, New Jersey, North Dakota, Oregon, South Dakota, Texas, and Utah; 4 States would gain 2 Representatives, namely, California, Oklahoma, Pennsylvania, and Washington, while the State of New York would gain 3.

This would increase the membership of the House 12 Members, until such time as Arizona or New Mexico would be admitted, and in that event the membership would be increased 2 more, 1 for each of those States.

## NEW MEXICO AND ARIZONA.

Mr. SMITH of Michigan. I move that the Senate proceed to the consideration of the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

The motion was agreed to.

Mr. SMITH of Michigan. I move to make the joint resolution the unfinished business.

The VICE PRESIDENT. That can not be done now; it is the unfinished business at 2 o'clock.

## IRRIGATION DISTRICTS UNDER TERRITORIAL LAWS.

Mr. BRISTOW. I ask unanimous consent to call up the bill (S. 2541) to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes."

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

Mr. HEYBURN. Mr. President, I rise for information. I would inquire what disposition was made of the motion of the Senator from Michigan to proceed to the consideration of the statehood resolution?

The VICE PRESIDENT. That motion prevailed. Pending further action upon the joint resolution, the Senator from Kansas asks unanimous consent for the present consideration of the bill which is about to be read. The Senator from Michigan moved that the joint resolution which had been taken up be made the unfinished business, but the Chair did not entertain the motion because it was not in order.

Mr. HEYBURN. My difficulty was that I did not hear the Secretary read the joint resolution that was taken up.

The VICE PRESIDENT. It is now under consideration, and the Senator from Kansas asks unanimous consent for the present consideration of Senate bill 2541, which will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4 of the act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes," approved July 30, 1886, by adding to that section the following proviso:

*Provided*, That the prohibitions and limitations contained in this section shall not be construed to apply to irrigation districts heretofore or hereafter organized in accordance with Territorial laws.

The bill was reported to the Senate without amendment.

Mr. BACON. Mr. President, I should like to make an inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BACON. It is whether or not the bill has the approval of the Committee on Territories.

The VICE PRESIDENT. It was reported by the Committee on Territories.

Mr. BACON. With a recommendation for its passage?

The VICE PRESIDENT. It was favorably reported.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ORDER OF BUSINESS.

The PRESIDING OFFICER (Mr. HEYBURN in the chair). The joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States is before the Senate as in Committee of the Whole.

Mr. NEWLANDS. Mr. President, I understand that the joint resolution will come up at 2 o'clock.

The PRESIDING OFFICER. It is now before the Senate.

Mr. SMITH of Michigan. I ask that the joint resolution be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Michigan asks that the pending business be temporarily laid aside. Is there unanimous consent? The Chair hears no objection, and the pending business is laid aside.

Mr. NEWLANDS. I ask unanimous consent that Senate resolution 109 be taken up for consideration.

Mr. BURTON. May I ask what the number is on the calendar?

Mr. NEWLANDS. The calendar number is 94. It is the resolution relating to a legislative program. It has already been considered in part and amended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada that the Senate proceed to the consideration of Senate resolution 109?

Mr. SMOOT. I should like to ask the Senator from Nevada if he calls up the resolution for the purpose of speaking upon it or for the purpose of having a vote upon it to-day?

Mr. NEWLANDS. I call it up for the purpose of having a vote.

Mr. SMOOT. There are a number of Senators away at this time who are interested in this matter. I shall object to its consideration. I ask that it may go over.

The PRESIDING OFFICER. Objection is made.

Mr. NEWLANDS. I move that Senate resolution 109 be taken up.

The PRESIDING OFFICER. The Senator from Nevada moves that, notwithstanding the objection of the Senator from Utah, the Senate proceed to the consideration of Senate resolution No. 109.

The motion was not agreed to.

Mr. SMOOT. I move that the Senate proceed to the consideration of the calendar under Rule VIII.

The PRESIDING OFFICER. It requires no motion. The Senate will proceed to the consideration of the calendar under Rule VIII.

The bill (S. 25) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, pawnbrokers, and real estate brokers in the District of Columbia was announced as first in order on the calendar.

Mr. HEYBURN. I ask that the bill may go over.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The bill will go over under the objection of the Senator from Idaho.

Mr. CURTIS. I move that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate proceed to the consideration of the bill, the objection of the Senator from Idaho to the contrary notwithstanding.

Mr. HEYBURN. I would suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Martine, N. J.	Smith, Md.
Bankhead	Clarke, Ark.	O'Gorman	Smith, Mich.
Borah	Crane	Overman	Smoot
Bourne	Curtis	Page	Stephenson
Bradley	Gronna	Penrose	Swanson
Brandeggee	Heyburn	Perkins	Taylor
Briggs	Hitchcock	Poindexter	Thornton
Bristow	Johnson, Me.	Pomerene	Townsend
Brown	Jones	Reed	Warren
Burnham	Kern	Root	Watson
Burton	Lodge	Shively	Wetmore
Chilton	Martin, Va.	Simmons	

The PRESIDING OFFICER. Forty-seven Senators having answered to their names, a quorum of the Senate is present.

Mr. SMOOT obtained the floor.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield.

Mr. SIMMONS. I desire to ask unanimous consent to call up from the table Senate bill 2846, for the improvement of rural-delivery roads, and have it referred to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. The Chair will state to the Senator from North Carolina that the pending question is upon the motion of the Senator from Kansas [Mr. CURTIS] to proceed to the consideration of Senate bill 25, the first bill on the calendar, and pending that motion the absence of a quorum was suggested by the Senator from Idaho. A quorum having been developed, the Chair considers himself obliged to place the motion of the Senator from Kansas before the Senate, and it is not debatable.

Mr. BACON. I understand—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. I yield to the Senator.

Mr. BACON. I understand that a motion to take up is not debatable. A parliamentary inquiry, however, I think, is in order?

The PRESIDING OFFICER. It is.

Mr. BACON. It is this: The Senate is now under a unanimous-consent agreement with reference to the joint resolution which is now the unfinished business, and to displace it would undoubtedly be a violation of that unanimous-consent agreement.

The PRESIDING OFFICER. The unfinished business under the unanimous-consent agreement will not come before the Senate until the hour of 2 o'clock, in the opinion of the Chair, and pending the time before that hour the Senator from Kansas moves that the Senate proceed to the consideration of the first order of business on the calendar.

Mr. BACON. Then I make the parliamentary inquiry, whether, in the opinion of the Chair, the motion relates only to business being in order until 2 o'clock?

The PRESIDING OFFICER. Only until then.

Mr. BACON. Very well.

The PRESIDING OFFICER. When the hour of 2 o'clock arrives the Chair will lay before the Senate House joint resolution 14 as the unfinished business, whether the motion of the Senator from Kansas is carried or not. The question is on agreeing to the motion of the Senator from Kansas. [Putting the question.] In the opinion of the Chair the ayes have it.

Mr. REED. I ask for a roll call.

The PRESIDING OFFICER. The Senator from Missouri demands the yeas and nays.

The yeas and nays were not ordered.

Mr. HEYBURN. I ask for information upon what the vote is to be taken.

The PRESIDING OFFICER. Upon the motion of the Senator from Kansas that the Senate proceed to the consideration of Senate bill 25, the first bill on the calendar.

Mr. SMOOT. If the motion prevails, it will not displace the statehood resolution, which has been temporarily laid aside?

The PRESIDING OFFICER. As the Chair understands, the statehood resolution being the unfinished business, it will be laid before the Senate at 2 o'clock, and before that time it is competent for the Senate to consider any other measure.

Mr. PENROSE. I move that the Senate adjourn.

Mr. HEYBURN. I wish the Senator from Pennsylvania would withhold the motion.

Mr. PENROSE. Very well; I withhold the motion.

The PRESIDING OFFICER. The Senator from Pennsylvania withholds the motion.

Mr. HEYBURN. I do not want to discuss a motion to adjourn, but I desire to make a statement before a motion to adjourn is put, a motion to adjourn not being debatable. There is pending a demand for the yeas and nays on the motion of the Senator from Kansas.

The PRESIDING OFFICER. The Chair overruled the demand because there was not a second to the call.

Mr. HEYBURN. Very well; then there is nothing pending.

The PRESIDING OFFICER. The motion of the Senator from Kansas [Mr. CURTIS] is pending, and pending that the Senator from Pennsylvania moved that the Senate adjourn.

Mr. HEYBURN. That motion not being debatable, I sincerely hope that no motion to adjourn will be pressed, because notice has been given by Senators who desire to speak upon the statehood resolution which will occupy all of Monday, and more, too. There remain only to-day and to-morrow and Saturday to discuss the statehood resolution.

Some Senators may be better advised than I in regard to the situation of the joint resolution before this body. I desire to see developed something that will enable us to form a more accurate and better judgment as to the kind of support or opposition that is to be given to that measure. I deem it as very im-

portant. I am not at all inclined to allow it to go by default, so far as I am concerned. If we were going to take up another matter that would occupy the Senate until 2 o'clock—and I am speaking now by unanimous consent—then at 2 o'clock we would know very well what to do; but in the meantime I think the Senate should continue in session until 2 o'clock in order that we may have as a basis of our action the status of the existing unfinished business.

Mr. SMITH of Michigan. Mr. President—

The PRESIDING OFFICER. The Chair desires to state that the colloquy or running debate at present is proceeding by unanimous consent. There is a motion pending before the Senate which is not debatable. Does the Senator from Michigan rise to a parliamentary inquiry?

Mr. SMITH of Michigan. I do not.

Mr. HEYBURN. I asked for unanimous consent, and I received it.

Mr. REED. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri will state it.

Mr. REED. Is the motion of the Senator from Kansas [Mr. CURTIS] still before the Senate?

The PRESIDING OFFICER. It is, and it is the only motion before the Senate.

Mr. REED. Has a motion been made to adjourn?

The PRESIDING OFFICER. A motion to adjourn was made by the Senator from Pennsylvania [Mr. PENROSE]; it then was withheld, and is now held in abeyance.

Mr. REED. I make the point of no quorum, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Martine, N. J.	Root
Bankhead	Crane	Nelson	Simmons
Bourne	Crawford	O'Gorman	Smith, Mich.
Bradley	Curtis	Oliver	Smoot
Brandegee	Gamble	Owen	Stephenson
Briggs	Heyburn	Page	Taylor
Bristow	Johnson, Me.	Penrose	Thornton
Brown	Jones	Perkins	Warren
Burnham	La Follette	Poinexter	Watson
Burton	Lodge	Pomerene	Wetmore
Chilton	Martin, Va.	Reed	

The PRESIDING OFFICER. Forty-three Senators have answered to their names. A quorum of the Senate is not present.

Mr. PENROSE. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 4, 1911, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

THURSDAY, August 3, 1911.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven help us to live strong, pure, noble, brave, generous-hearted Christian lives in all the complicated relationships of this existence. We pray, Our Father, and then forget that we are brothers, and sometimes the strong oppress the weak, the rich grind the poor, the ambitious traduces and smirches the character of a brother to blast his reputation. Forgive us, Oh we beseech Thee, for that; we pray hallowed be Thy name, and then take that holy name in profanity upon our lips. Forgive us, we beseech Thee, for that. We pray let Thy kingdom come and Thy will be done in earth, as it is in heaven, then go about sowing the seeds of discord. Forgive us, we beseech Thee, for that. Help us to pray gold and live golden lives; to pray righteously and live righteous lives, after the similitude of the world's great exemplar. Amen.

### CALL OF THE HOUSE.

Mr. BELL of Georgia. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Georgia makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and seventy-nine Members present, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER directed the doors to be closed and the Clerk to call the roll.